

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**RACHEL RAMSBOTTOM, and)
ALEXIS BOWLING,)
JENNA HOUSTON,)
JANE DOE #1,)**

Plaintiffs,)

v.)

CIVIL ACTION NO. 3:21-cv-00272

JURY TRIAL DEMANDED

**LORIN ASHTON, AMORPHOUS)
MUSIC, INC., BASSNECTAR)
TOURING, INC., REDLIGHT)
MANAGEMENT, INC., C3 PRESENTS,)
L.L.C, INTERACTIVE GIVING FUND,)
GNARLOS INDUSTRIES, LLC,)
CARLOS DONOHUE, ABC)
CORPORATIONS, ONE THROUGH)
TEN (said Names Being Fictitious),)
JOHN DOES, ONE THROUGH TEN)
(said Names Being Fictitious),)**

Defendants.)

**MOTION TO RECONSIDER ORDER GRANTING PLAINTIFF JANE DOE #1'S
MOTION FOR LEAVE TO PROCEED UNDER PSEUDONYM AND FOR
PROTECTIVE ORDER**

Defendants Lorin Ashton, Amorphous Music, Inc., and Bassnectar Touring, Inc. (collectively, the “Bassnectar Defendants”), by and through their attorneys and pursuant to Local Rule 7.01(b), respectfully submit this Motion to Reconsider the Order Granting the Motion for Leave to Proceed Under Pseudonym and for Protective Order (Dkt. 25) (“Order”). In support of their Motion, the Bassnectar Defendants incorporate by reference the arguments and authorities in their Memorandum in Support, filed contemporaneously herewith.

Because the Bassnectar Defendants did not have the opportunity to respond to the

Plaintiffs’ Motion for Leave to Proceed Under Pseudonym and for Protective Order, the Bassnectar Defendants are permitted to request reconsideration of the Court’s Order. *See* Fed. R. Civ. P. 7.01(b); *see also Hanson v. McBride*, 337 F.R.D. 139, 145 (M.D. Tenn. 2020).”); *Worley v. Perfect Equip. Co., LLC*, No. 3:05-0080, 2006 WL 17333, at *1 (M.D. Tenn. Jan. 3, 2006).

The Federal Rules of Civil Procedure states a complaint “*must* name all the parties” Fed. R. Civ. P. 10(a) (emphasis added). Proceeding under a pseudonym is the exception – not the rule. *Citizens for a Strong Ohio v. Marsh*, 123 Fed. Appx. 630, 636 (6th Cir. 2005). In order to proceed pseudonymously, Plaintiff Doe must demonstrate that her interest in privacy substantially outweighs the presumption in favor of open judicial proceedings. *Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004). Because Plaintiff has failed to meet that burden, the Bassnectar Defendants respectfully request that the Court reconsider its Order Granting Plaintiff Doe’s Motion for Leave to Proceed Under Pseudonym and for Protective Order and deny Plaintiff Doe’s request to proceed under a pseudonym.

Dated: May 11, 2021

Respectfully Submitted,

/s/ Robert A. Peal

Robert A. Peal (No. 25629)
Mark W. Lenihan (No. 36286)
Grace A. Fox (No. 37367)
Sims|Funk, PLC
3322 West End Ave, Suite 200
Nashville, TN 37203
(615) 292-9335
(615) 649-8565 (fax)
rpeal@simsfunk.com
mlenihan@simsfunk.com
gfox@simsfunk.com

Kimberly S. Hodde
Hodde & Associates
40 Music Square East

Nashville, TN 37203
(615) 242-4200
(615) 242-8115 (fax)
kim.hodde@hoddelaw.com

Mitchell Schuster, Esq. (admitted *pro hac vice*)
Stacey M. Ashby, Esq. (admitted *pro hac vice*)
Meister Seelig & Fein, LLP
125 Park Avenue, 7th Floor
New York, NY 10017
(212) 655-3500
(212) 655-3535 (fax)
ms@msf-law.com
sma@msf-law.com

*Counsel for Defendant Lorin Ashton, Amorphous
Music, Inc., and Bassnectar Touring, Inc.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the following counsel via the Court's CM/ECF system on this 11th day of May, 2021:

Phillip H. Miller
631 Woodland Street
Nashville, TN 37206
(615) 356-2000
phillip@seriousinjury.com

Alexandria MacMaster
M. Stewart Ryan
LAFHEY, BUCCI & KENT, LLP
1100 Ludlow Street
Suite 300
Philadelphia, PA 19107
(215) 399-9255
amacmaster@lbk-law.com
sryan@lbk-law.com

Brian Kent
Laff, Whitesel, Conte & Saret, Ltd.
401 N. Michigan Avenue
Suite 1700
Chicago, IL 60611-4212
(215) 399-9255
bkent@lbk-law.com

Counsel for Plaintiffs

Bennett James Wills
Brian T. Boyd
Law Office of Brian T. Boyd
214 Overlook Cir.
Suite 275
Brentwood, TN 37027
(615) 861-1936
(615) 523-2595 (fax)
bennett@boydlegal.co
brian@boydlegal.co

Attorneys for Defendant Interactive Giving Fund

Russell B. Morgan
Jason C. Palmer
Rachel Sodée
Bradley Arant Boult Cummings LLP
1600 Division Street
Suite 700
P.O Box 340025
Nashville, TN 37203-0025
(615) 252-2311
Fax: (615) 252-6311
rmorgan@bradley.com
jpalmer@bradley.com
rsodee@bradley.com

Counsel for Defendant C3 Presents, L.L.C.

And served via U.S. Mail to the below parties:

Gnarlos Industries, L.L.C.
3337 NE 79th Ave.
Portland, OR 97213

Defendant

Carlos Donohue
3337 NE 79th Ave.
Portland, OR 97213

Defendant

s/ Robert A. Peal